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10/593,039	09/30/2008	Linda Menrik	69409.001017	5751
21967	7590	06/16/2010	EXAMINER	
HUNTON & WILLIAMS LLP			SCRUGGS, ROBERT J	
INTELLECTUAL PROPERTY DEPARTMENT				
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WASHINGTON, DC 20006-1109				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/593,039	MENRIK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ROBERT SCRUGGS	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 April 2010.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. This office action is in response to the amendment received on April 19, 2010. Claim 18, has been newly added therefore claims 1-18 remain pending in the application and have been fully examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7-9 and 14-18 are **Finally rejected** under 35 U.S.C. 103(a) as being unpatentable over Parker et al. (7013528) in view of Delgado et al. (6021545).

In reference to claim 1, 14 and 16, Parker et al. disclose a floor cleaning implement comprising: a handle (12) pivotally mounted on a base (14), said base supporting a brush arrangement (16) and a dust collecting container (80), the dust collecting container being adapted to receive via a dust inlet (94) dust particles by the brush arrangement (16), said base also being provided with a cloth holder (110) having a plate (116) facing the floor (Figure 12), the plate (116) being adapted to be covered by a dust cloth (118), but lack, a liquid container and means for distributing liquid directly or indirectly to the cloth. However, Delgado et al. teach that it is old and well known in the art to distribute liquid onto a cleaning cloth (95) (Figure 30) by using a liquid container (23) and means (formed as applicator 21) for distributing liquid directly or indirectly to

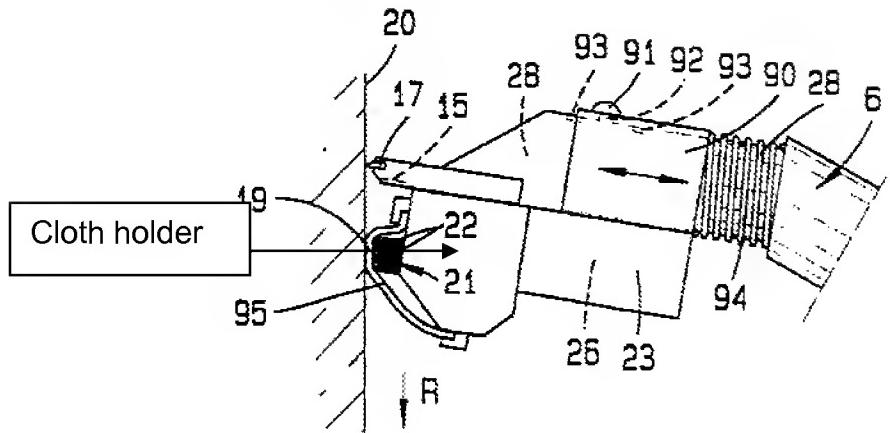
cloth (95). It would have been obvious to one of ordinary skill in the art to modify the cloth holder, of Parker et al., with the known technique of distributing liquid onto a cleaning cloth, as taught by Delgado et al., and the results would have been predictable. In this situation, one could provide a continuous supply of cleaning liquid onto a cloth thereby more effectively cleaning various surfaces while also enabling continuous working on said surfaces in one operation.

In reference to claim 2, Parker et al. also disclose that the brush arrangement includes at least one electrically driven brush (32) (Column 3, Lines 6-10).

In reference to claim 7, Parker et al. also show that the cloth holder (110) is removably arranged on the base (14) (Figure 12).

In reference to claims 8, 15, 17 and 18, Delgado et al. also teach that a cloth holder (see figure below) can be provided with said liquid distributing means (21). It would have been obvious to one of ordinary skill in the art to modify the cloth holder, of Parker et al., with the known liquid distributing means, as taught by Delgado et al., and the results would have been predictable. In this situation, one could provide a continuous supply of cleaning liquid onto a cloth thereby more effectively cleaning various surfaces while also enabling continuous working on said surfaces in one operation.

***Fig. 3D***



In reference to claim 9, Delgado et al. also show that the liquid container (23) is an integrated part of said cloth holder (see figure above).

4. Claims 3-6 and 10-13 are **Finally rejected** under 35 U.S.C. 103(a) as being unpatentable over Parker et al. (7013528) in view of Delgado et al. (6021545) and Frazer (3319278).

In reference to claims 3 and 10, Parker et al. disclose the claimed invention previously mentioned above, but lack, using two brush rolls arranged such that the brush axes are non parallel. However, Frazer teaches a technique of forming a cleaning device with two brush rolls arranged such that the brush axes are non parallel (16) (Figure 2). It would have been obvious to one of ordinary skill in the art to modify the brush arrangement, of

Parker et al., with the known technique of forming a cleaning device with two brush rolls arranged such that the brush axes are non parallel, as taught by Frazer, and the results would have been predictable. In this situation, one could provide a brush arrangement having brushes formed in a V-shape with the vertex angle being selectively adjustable between acute and obtuse angles thereby more effectively removing material from the surface being cleaned.

In reference to claims 4 and 11, Frazer also shows that the said brush axes are arranged in a V-shaped pattern (Figure 2).

In reference to claims 5 and 12, Frazer also shows that the tip of the V is placed in the forward movement direction of the implement (Figure 2).

In reference to claims 6 and 13, since Parker et al. already teach that the dust inlet (94) corresponds to the angular displacement of brush (32) therefore the combination of Parker et al. (7013528) in view of Delgado et al. and Frazer would obviously provide a dust inlet corresponding to the angular displacement of brushes (16).

***Response to Arguments***

5. Applicant's arguments filed April 19, 2010 have been fully considered but they are not persuasive.
6. Applicant contends that, "**To begin with, neither reference explicitly suggests the combination recited in the present claims. Parker says nothing about applying liquid to the cloth. Delgado says nothing about operating a wetted cloth in combination with a rotating cleaning brush. The allegation upon which the combination is based is that applying the liquid to the cloth as shown in Delgado would have made cleaning more effective and enabled continuous working. Neither the Office Action nor the prior art explains how the combination would actually provide more effective cleaning, and gives no basis for the conclusion that a person of ordinary skill in the art would have known this fact prior to the present application. It is well settled that a cursory statement."**
  - a. However, the examiner respectfully disagrees with this statement. The examiner agrees that Parker does not disclose applying liquid to the cloth but acknowledges that Delgado was used for teaching this concept as previously discussed above. The fact that Delgado does not disclose operating a wetted cloth in combination with a rotating cleaning brush is moot because this reference was only used for teaching that it is old and well known in the art to apply liquid to a cloth during a cleaning process (the examiner notes that Delgado does teach of applying liquid to cloth in combination with a vacuum, which is how the device of Parker operates). The examiner believes that the

applicant is interpreting each reference individually rather than interpreting what the primary reference lacks and what special feature the secondary reference teaches. The combination as a whole meets all the limitations of the claims and the motivation for the combination is to provide a device that allows continuous supply of cleaning liquid onto a cloth thereby more effectively cleaning various surfaces while also enabling continuous working on said surfaces in one operation (Column 1, Lines 41-50) therefore the examiner believes the rejection is proper and thus maintained.

7. Applicant contends that, "**In contrast to Delgado, the Parker device can be operated in either direction -- that is, either by moving the brush before the pad, or by moving the pad before the brush. The fact that Parker can be operated with the brush (and thus the suction inlet) in front of the pad is a significant problem, because Delgado specifically requires the inlet to be behind the cleaning pad. Thus, Delgado clearly teaches away from any combination with Parker, because Parker provides movement in the opposite direction required by Delgado. In short, Parker does exactly what Delgado says not to do. Persons of ordinary skill in the art, understanding the Delgado requires movement in a particular direction, would not combine Delgado's teachings with a reference like Parker that provides movement in exactly the opposite direction."**"

b. However, the examiner respectfully disagrees with this statement. Applicant acknowledges that Parker can be operated in various directions

therefore it is capable of being used in only one direction if a user wants to use the device in only one direction (i.e. the same direction as used in Delgado) than the device would work as claimed therefore the examiner believes the rejection is proper and thus maintained.

8. Applicant contends that, “**E**n*even if one ignored the foregoing clear teaching against the combination, there still is a significant problem that teaches against the proposed combination. Unlike Delgado, which requires a suction source, Parker shows embodiments that do not include a suction source (see, e.g., Figs. 18-19).* In fact, it is this embodiment that is relied upon to make the current rejection, because this is the only embodiment of Parker that includes a "dust collecting container being adapted to receive, via a dust inlet (23), dust particles thrown by the brush arrangement (15)," as recited in claim 1.1 The problem is that Delgado specifically requires a suction source to provide the desired "continuous" cleaning. As noted above, without a suction source behind the cleaning cloth, Delgado will fail at its intended purpose. Thus, the proposed combination requires both for Delgado to travel in the direction opposite to its specified direction, and for Delgado to sacrifice the necessary vacuum source. Clearly, the necessity of both of these features would compel a person of ordinary skill in the art not to combine these references as suggested, because these modifications are contrary to Delgado's stated requirements and would render Delgado unsuitable for its intended purpose.”

c. However, the examiner respectfully disagrees with this statement. The fact that Parker shows different embodiments without a vacuum source is moot because the embodiment used in the rejection above includes the vacuum source. And, as previously discussed above the device, of Parker, can be operated in various directions therefore if one were looking to improve the cleaning efficiency of the device one could look at Delgado for the teaching of applying fluid to a cloth thereby more effectively cleaning a surface therefore the examiner believes the rejection is proper and thus maintained.

9. Applicant contends that, **“Even if one assumes, for the sake or argument, that Delgado does not teach against combining with Parker, there still is no motivation to combine the references because the proposed combination would create significant problems that would dissuade any such combination. If the Parker device were modified to deposit fluid on the pad, the liquid would soak the floor and any dirt in front of the brush whenever the device is moved with the pad ahead of the inlet.”**

d. However, the examiner respectfully disagrees with this statement. The examiner maintains that clear motivation has been previously established above and further notes that one desiring to more effectively remove dirt or debris from a surface by using a cloth could look at Delgado, which teaches of more effectively cleaning a surface by using a wetted cloth therefore the examiner believes the rejection is proper and thus maintained.

10. Applicant contends that, “**There are also other problems with the proposed combination. For example, Delgado uses capillary-action bristles to convey fluid from the fluid reservoir to the cloth, and it is questionable whether that arrangement would work in a floor care setting in which pressure on the bristles would cause them to bend and possibly lose their capillary wicking capability. Also, Delgado shows a window-washing device that is operated in the vertical position, and it appears that turning the device 90 degrees to a horizontal orientation to use with Parker would cause the fluid to seep uncontrollably through the capillary bristles and to the cloth, which would render the device useless.**”

e. However, the examiner respectfully disagrees with this statement. The device, of Parker, does not have to be operated vertically just because the device, of Delgado, operates vertically. The examiner maintains that only the specific teaching of distributing liquid on a cleaning cloth has been used. The other features within the secondary reference are not part of the combination and thus deemed moot therefore the examiner believes the rejection is proper and thus maintained.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant added new claim 18. Accordingly, **THIS ACTION IS MADE**

**FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SCRUGGS whose telephone number is (571)272-8682. The examiner can normally be reached on Monday-Friday 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT SCRUGGS/  
Examiner, Art Unit 3723